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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,700	04/25/2006	Detlev Wittmer	WITT3005/FJD	8701
23364	7590	10/03/2007	EXAMINER	
BACON & THOMAS, PLLC			WU, JUNCHUN	
625 SLATERS LANE				
FOURTH FLOOR			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			2191	
			MAIL DATE	DELIVERY MODE
			10/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/534,700	WITTMER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Junchun Wu	2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 5-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 5/13/2005.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-4 have been cancelled.
2. Claims 5-8 are pending in this application.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 6 recites "FDT/DTM specifications". There is no description of FDT/DTM in the specification.
6. Claim 7 recites "PDM, HCF device description". There is no description of PDM and HCF in the specification.
7. Claim 8 recites "EDD 1.1 device description". There is no description of EDD in the specification.

***Claim Rejections - 35 USC § 102***

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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8. Claims 5-8 are rejected under 35 U.S.C. 102(a) as being anticipated by "PROFIBUS technology and application – system description" Oct. 2002, hereinafter "PROFIBUS".

9. Per claim 5

PROFIBUS discloses

A method for producing software modules for field devices for process automation technology, wherein the software modules serve as device descriptions and have defined interfaces for application programs in process control systems (See PROFIBUS page 27 Section 7.3 under "*Device Description as Software Component*") comprising the steps of:

- producing standard device descriptions from standard device descriptions for field devices, syntactically and semantically correct (see PROFIBUS page 27 Section 7.2 **EDD**).
- converting the standard device descriptions by means of a compiler into corresponding software modules (see PROFIBUS page 27 Section 7.3 under **DTM generation** "*Generation from an existing device description using compiler or interpreter*").

10. Per claim 6

The rejection of claim 5 is incorporated and PROFIBUS further discloses

- interfaces and the software modules meet the FDT/DTM specifications

(PROFI BUS Guideline -Order No. 2.162 "Specification for Profibus Device

Descriptions and Device Integration", Volume 3) (See PROFIBUS page 27 Section 7.3

*"The FDT Interface" & "DTM (device type manager) is integrated in the engineering tool or control system over the FDT interface. ".*

11. Per claim 7

The rejection of claim 5 is incorporated and PROFIBUS implicitly discloses

- the standard device descriptions are one of: PDM device descriptions, HCF device descriptions or company-specific device descriptions (In the ordinary skill of art, PDM (Process Device Manager) is an universal tool for configuration, parameter assignment, commissioning, diagnostics and maintenance of intelligent field devices and automation components and also HCF (HART® Communication Foundation) standard device description is a comprehensive set of software tool for development, testing and maintenance of HART device descriptions. Those tools are well known and may use in PROFIBUS).

12. Per claim 8

The rejection of claim 5 is incorporated and PROFIBUS further discloses

- the syntactically and semantically correct, device description is an EDD 1.1 device description (PROFIBUS Guideline -Order No. 2.162 "Specification for Profibus Device Descriptions and Device Integration", Volume 2) (See PROFIBUS page

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27 Section 7.2 "*The specification of the EDDL is an integral component of the international standard IEC 61804.*").

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junchun Wu whose telephone number is 571-270-1250. The examiner can normally be reached on 8:00-17:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JW

WEI ZHEN  
SUPERVISORY PATENT EXAMINER